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AMIN, TUROCY & CALVIN, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER	
MAI, KEVIN S	

ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
lpasterchek@thepatentattorneys.com

Office Action Summary	Application No.	Applicant(s)	
	10/799,992	PURCELL ET AL.	
	Examiner	Art Unit	
	KEVIN S. MAI	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 17-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/07/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action has been issued in response to Applicant's Amendment filed August 20, 2008.

2. Claims 1, 15 and 27 have been amended. Claims 1-15 and 17-29 have been examined and are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 20, 2008 has been entered.

Response to Arguments

4. Applicant's arguments filed August 20, 2008 have been fully considered but they are not persuasive.

5. Applicant's arguments with respect to claim 1 have been considered but are not persuasive. Applicant argues that Rajan fails to disclose 'the junk score is compute to reflect a spam confidence level of the message, wherein the junk score is a value or fractional value between 0 and 1, and the spam confidence level corresponds to a probability that the message is spam or junk, and wherein a user can override the junk score via a user-based action that affects the junk score of the message and future messages.' More specifically applicant argues that

Rajan fails to disclose updating junk ratings based on user actions, such that the junk rating of all received or future messages from that e-mail address is modified. However, Rajan discloses all these limitations, including the amended limitation 'wherein a user can override the junk score via a user-based action that affects the junk score of the message and future messages.' As seen in the previous rejection, Rajan discloses 'the junk score is computed to reflect a spam confidence level of the message (paragraph [0015] discloses grading is done to determine the spaminess of the email) wherein the junk score is a value or fractional value between 0 and 1 (paragraph [0016] discloses the scale being from 0 to 100) and the spam confidence level corresponds to a probability that the message is spam or junk (paragraph [0016] discloses mail that is graded with a high level of spaminess is likely spam).' As per the amended limitation, Rajan discloses 'wherein a user can override the junk score via a user-based action that affects the junk score of the message and future messages (paragraphs [0018], [0032] and [0033]).' Paragraph [0018] of Rajan discloses 'Other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages).' Then paragraph [0033] of Rajan discloses 'if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black.' Then paragraph [0032] discloses 'the system is preferably a smart system that uses the user's votes throughout the network as a factor in determining the spaminess scores of other email. Thus, the system is adaptive to new information acquired from handling email in the directories.' As seen Rajan

clearly discloses 'wherein a user can override the junk score via a user-based action that affects the junk score of the message and future messages.'

6. Applicant's arguments with respect to claims 2-5, 7-9, 12-15 and 17-29 have been considered but are not persuasive. The arguments made are the same as those made towards claim 1 and thus examiner recites the same arguments used above.

7. Applicant's arguments with respect to claim 6 have been considered but are not persuasive. Claim 6 is dependent on claim 3, which is dependent on claim 2, which is dependent on claim 1. Thus for the reasons cited above, Rajan is seen to disclose that subject matter. Applicant then argues that Rajan having disclosed in paragraph [0032] 'emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory' does not make obvious 'visually altering the displays comprises color-coding, changing fonts, font sizes, backgrounds, adding or altering images, and/**or** adding or altering sounds associated with the respective messages based at least in part on their respective junk scores.' Examiner maintains that the limitation is obvious in view of Rajan to a person having ordinary skill in the art of visual indications. As requested Patent No. 6041324 to Earl et al. (hereinafter "Earl") discloses how a person having ordinary skill in the art of having visual indications would see the disclosed limitations as obvious in view of Rajan disclosing having visual indications. Earl discloses in column 8 lines 56-63 an indication can be in the form of a visual indication, such as distinguishable fonts, character size, color, underlining, and could even take the form of an audible indication. As will be readily apparent to those skilled in the art, other distinguishing characteristics can be used without departing form the spirit and scope of the

invention. Thus the limitations are well known in the art of visual indications. However, to clarify further, examiner has added another reference and rejection to show this to be the case.

8. Applicant's arguments with respect to claims 10 and 11 have been considered but are not persuasive. The arguments made are the same as those made towards claim 1 and thus examiner recites the same arguments used above.

Specification

9. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 29 recite's computer readable medium, however the term computer readable medium is not defined in the specification. For examination purposes computer readable medium is interpreted as the storage media according to page 13 of the specification.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: As a system claim the various relations between the components should be stated. A system claim should reasonably convey to one of ordinary skill in the art how the components would interact with each other.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-12 are directed toward a junk message interface system that appears to be solely implemented in software according to claim 29. Software alone is considered non-statutory subject matter.

14. Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13 and 14 are directed toward a user interface that appears to be solely implemented in software. Software alone is considered non-statutory subject matter.

15. Claims 15 and17-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15-26 are directed toward a method that facilitates identification of junk messages in a user's inbox. However, for a method to be statutory it must be tied to another statutory class (such as a particular apparatus). As such claims 15-26 are directed to non-statutory subject matter. Adding the term computer implemented method instead of method, for example, would tie the method to a particular apparatus.

16. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 27 is directed toward a system that appears to be solely implemented in software. Software alone is considered non-statutory subject matter.

17. Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 is directed toward a data packet to be transmitted between two computer processes; this appears to be claiming a signal being sent. A signal is not considered to be statutory subject matter.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 1-5, 7-9, 12-15 and 17-29 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2005/0165895 to Rajan et al. (hereinafter "Rajan").

20. **As to Claim 1,** Rajan discloses **a junk message interface system that facilitates identifying junk messages comprising:**

a message receiving component that collects at least one incoming message (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received)**;**

a filtering component that determines a junk score for the incoming message (Paragraph [0015] of Rajan discloses each piece of incoming mail is graded)**, the junk score is computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail)**, wherein the junk score is a value or**

fractional value between 0 and 1 (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information)**, and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam)**, and wherein a user can override the junk score via a user-based action that affects the junk score of the message and future messages** (Paragraphs [0018], [0032] and [0033] of Rajan disclose other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black)**; and**

a display component that renders the junk scores as an actionable property on a user interface to facilitate user management of incoming junk messages (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory. It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders)

21. **As to Claim 2,** Rajan discloses the invention as claimed as described in claim 1, **further comprising a view management component that provides one or more ways the user can modify treatment of the junk messages** (Paragraph [0031] of Rajan discloses the user being able to specify the number of spam directories desired. Additional user-settable configurations may include the ability to name and color-code the spam directories, as well as the ability to assign their respective ranges)**.**

22. **As to Claim 3,** Rajan discloses the invention as claimed as described in claim 2, **the view management component comprises any one of the following ways to mitigate against inadvertently opening a junk message comprising:**

sorting and/or grouping messages based at least in part on at least one of their respective junk scores and their respective junk ratings (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories)**;**

filtering out messages with at least one of a junk score or a junk rating that does not satisfy at least a first criterion (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories)**;**

setting one or more actions to take against the messages when at least one of the respective junk scores or junk ratings that do not satisfy at least a second criterion (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories)**; and**

visually altering displays of messages according to at least one of their respective junk scores or junk ratings (Paragraph [0032] of Rajan discloses emails placed in more than one

directory would include a visual indication to the user that the email is contained in more than one directory).

23. **As to Claim 4,** Rajan discloses the invention as claimed as described in claim 3, **the first criterion is configurably different from the second criterion** (Paragraph [0031] of Rajan discloses being able to assign ranges associated with the directories).

24. **As to Claim 5,** Rajan discloses the invention as claimed as described in claim 3, **at least one of the first and second criteria is determined according to user preferences** (Paragraph [0031] of Rajan discloses a user being able to assign ranges associated with the directories).

25. **As to Claim 7,** Rajan discloses the invention as claimed as described in claim 1**, further comprising an analysis component that examines junk scores of the incoming messages and orders them based at least in part on a spam confidence level associated with the respective messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

26. **As to Claim 8,** Rajan discloses the invention as claimed as described in claim 1**, the display component is a user-interface that exposes a message's junk score to a user so that the user can organize its messages based in part on the respective junk scores** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. The message having been moved to

specific directories is seen to have been exposing the message's junk score. The directories themselves are seen to represent the messages having been organized based on their scores).

27. **As to Claim 9,** Rajan discloses the invention as claimed as described in claim 1**, the filtering component further determines whether a source of the message appears to be trusted based on at least one of the following: user's blocked senders list, safe-list, address book, and safe-mailing list** (Paragraph [0034] of Rajan discloses the system can base its decision on which directory receives an e-mail on criteria other than spaminess. For example, the system can mine a personal profile of the user to determine which is the appropriate directory for an e-mail).

28. **As to Claim 12,** Rajan discloses the invention as claimed as described in claim 1**, further comprising a bucketing component that bucketizes junk scores of messages so that the effects of features are seen only in aggregate, thereby mitigating reverse engineering of the junk score** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. This is seen as bucketizing the scores).

29. **As to Claim 13,** Rajan discloses **a user interface that facilitates identifying junk messages comprising**
a junk rating field that can be acted upon by a user (Paragraph [0019] of Rajan discloses being able to set a number of directories that are representative of the probability that a mail is

junk. These are seen to be junk rating fields)**, the junk rating being determined at least in part upon determining a junk score and at least in part upon an analysis of the junk score** (Paragraph [0019] of Rajan discloses how the directories are assigned spaminess ranges. Thus it is seen that the junk rating is determined by the junk score)**, the junk score is computed to reflect a spam confidence level of a message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail)**, wherein the junk score is a value or fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information)**, and the spam confidence level corresponds to a probability that the message is spam or junk** Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam)**.**

30. **As to Claim 14,** Rajan discloses the invention as claimed as described in claim 13**, messages can be sorted and/or grouped according to their respective junk ratings** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory)**.**

31. **As to Claim 15,** Rajan discloses **a method that facilitates identification of junk messages in a user's inbox comprising:**

receiving a plurality of incoming messages (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received)**;**

assigning a junk rating to the messages (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Where being in a particular directory is seen as having been assigned a rating)**;**

exposing at least the junk rating on a user interface (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Where being in particular directory is seen as having exposed the junk rating)**; and**

calculating a junk score for substantially all incoming messages (Paragraph [0015] of Rajan discloses each piece of incoming mail is graded)**, the junk score is computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail)**, wherein the junk score is a value or fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information)**, and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam)**; and**

overriding the junk score via a user-based action that affects the junk score of the message and future messages (Paragraphs [0018], [0032] and [0033] of Rajan disclose other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black).

32. **As to Claim 17,** Rajan discloses the invention as claimed as described in claim 15, **further comprising bucketizing the junk scores so that the effects of features are seen only in aggregate, thereby mitigating reverse engineering of the junk score** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. This is seen as bucketizing the scores).

33. **As to Claim 18,** Rajan discloses the invention as claimed as described in claim 15, **further comprising organizing junk messages based at least in part upon their junk rating** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

34. **As to Claim 19,** Rajan discloses the invention as claimed as described in claim 15, **further comprising determining whether at least one of the junk score or the junk rating exceed a first threshold; and removing messages that exceed the first threshold to mitigate**

inadvertent access of them by the user (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory)**.**

35. **As to Claim 20,** Rajan discloses the invention as claimed as described in claim 19**, removing messages that exceed the first threshold before they are viewable on the user interface** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory)**.**

36. **As to Claim 21,** Rajan discloses the invention as claimed as described in claim 15**, the junk rating is based at least in part on one of the following: junk score, one or more safe lists, one or more safe sender lists, user-based actions, and/or user-generated address book** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Then paragraph [0033] of Rajan discloses being able to adjust placement of e-mails based on user voting. Then paragraph [0034] of Rajan discloses the system can mine a personal profile of the user to determine which is the appropriate directory for an e-mail)**.**

37. **As to Claim 22,** Rajan discloses the invention as claimed as described in claim 21**, user-based actions comprises at least one of the following:**

unjunking a message by moving it from a junk state to a non-junk state resulting in an "unjunked" junk rating (Paragraph [0018] of Rajan discloses a user being able to vote on mail)**;**

junking a message by moving it from a non-junk state to a junk state resulting in a "junked" junk rating (Paragraph [0033] of Rajan discloses a user being able to vote an e-mail as spam)**; and**

adding a sender to one or more safe lists to change the junk rating of the message to safe (Paragraph [0034] of Rajan discloses the system being able to mine a personal profile of the user to determine which is the appropriate directory for an e-mail. An example given is all e-mail from the user's spouse would be place in an appropriate folder. Thus it is seen that a sender was added to a safe list)**.**

38. **As to Claim 23,** Rajan discloses the invention as claimed as described in claim 22**, the user-based actions affect the junk rating of the message and/or future messages received from a particular sender** (Paragraph [0018] of Rajan discloses algorithms may be employed to allow the recipient to vote on the mail to train the system to better determine spaminess according to the recipient's personal preferences)**.**

39. **As to Claim 24,** Rajan discloses the invention as claimed as described in claim 15**, assigning a junk rating to messages commensurate with at least their respective junk scores** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory)**.**

40. **As to Claim 25,** Rajan discloses the invention as claimed as described in claim 15, **assigning a junk rating comprises:**

providing a plurality of buckets comprising at least the following categorized buckets: an unscanned bucket, a light bucket, a medium bucket, and a high bucket, the plurality of buckets respectively assigned to a range of junk score values (Paragraph [0019] of Rajan discloses being able to assign a variety of directories based on different ranges. The example given suggests five directories - Green, Blue, Yellow, Orange and Red with respective ranges of 0-20, 21-40, 41-60, 61-80 and 81-100. As to having an unscanned bucket it is seen that all incoming mail is inherently part of the unscanned bucket until otherwise sorted)**;**

dropping messages into respective buckets based at least in part on their calculated junk score such that the respective bucket determines the junk rating for the respective messages (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory)**.**

41. **As to Claim 26,** Rajan discloses the invention as claimed as described in claim 15, **further comprising exposing respective junk scores for the messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Since the ranges of the directories are known it is seen that knowing which directory the e-mail is in exposes the junk score of the message)**.**

42. **As to Claim 27,** Rajan discloses **a system that facilitates identification of junk messages in a user's inbox comprising:**

means for receiving a plurality of incoming messages (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received)**;**

means for calculating a junk score for substantially all incoming messages (Paragraph [0015] of Rajan discloses each piece of incoming mail is graded)**, the junk score is computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail)**, wherein the junk score is a value of fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information)**, and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam)**;**

means for assigning a junk rating to the messages commensurate with at least their respective junk scores (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory)**; and**

means for exposing at least one of the junk rating and the junk store on a user interface (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and

then moving the e-mail into the appropriately labeled directory. Where being in specific directory is seen as exposing the junk rating/score of a message)**; and**

means for overriding the junk score via a user-based action that affects the junk score of the message and future messages (Paragraphs [0018], [0032] and [0033] of Rajan disclose other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black)**.**

43. **As to Claim 28,** Rajan discloses **a data packet adapted to be transmitted between two or more computer processes facilitating easier viewing and management of incoming messages, the data packet comprising: information associated with receiving a plurality of incoming messages** (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received)**; assigning a junk rating to the messages commensurate with at least their respective junk scores** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory)**, wherein the junk scores are computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail)**, and wherein the junk scores are values or fractional values between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where the it is seen that it is

arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information)**, and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam)**; and exposing at least one of the junk rating and the junk store on a user interface** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Where being in specific directory is seen as exposing the junk rating/score of a message)**.**

44. **As to Claim 29,** Rajan discloses **a computer readable medium having stored thereon the system of claim 1** (Claim 11 of Rajan discloses a computer readable medium comprising instructions for the system disclosed by Rajan)**.**

Claim Rejections - 35 USC § 103

45. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

46. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan.

47. **As to Claim 6,** Rajan discloses the invention as claimed as described in claim 3**, visually altering the displays comprises color-coding, changing fonts, font sizes, backgrounds, adding or altering images, and/or adding or altering sounds associated with the respective messages based at least in part on their respective junk scores** (Paragraph [0032] of Rajan discloses emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory. Although how the visual indication is achieved is not explicitly disclosed it is seen that all variants disclosed exist essentially to make messages stick out to the user. As such Rajan, having disclosed including a visual indication to the user, discloses the limitations above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the above variants to draw the attention of the user to the affected messages)**.**

48. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan and further in view of US Pub. No. 2004/0148330 to Alspector et al (hereinafter "Alspector").

49. **As to Claim 6,** Rajan discloses the invention as claimed as described in claim 3**, visually altering the displays comprises color-coding, changing fonts, font sizes, backgrounds, adding or altering images, and/or adding or altering sounds associated with the respective messages based at least in part on their respective junk scores** (Paragraph [0032] of Rajan discloses emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory. Although how the visual indication is achieved is not explicitly disclosed it is seen that all variants disclosed exist essentially to make

messages stick out to the user. As such Rajan, having disclosed including a visual indication to the user, discloses the limitations above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the above variants to draw the attention of the user to the affected messages).

However, Alspector discloses visually altering the display comprising color-coding (Paragraph [0040] of Alspector discloses displaying messages with higher spam scores in a darker shade of red than those with lower spam scores)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system of claim 3 as disclosed by Rajan, with color coding based on spam scores as disclosed by Alspector. One of ordinary skill in the art would have been motivated to combine because Rajan discloses including visual indications on emails place in more than one directory (paragraph [0032]).

50. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan and further in view of US Pub. No. 2005/0159136 to Rouse et al. (hereinafter "Rouse").

51. **As to Claim 10,** Rajan discloses the invention as claimed as described in claim 1. Rajan does not explicitly disclose **further comprising a verification component that requests confirmation regarding user-initiated actions on rated messages.**

However, Rouse discloses this (Paragraph [0062] of Rouse discloses enabling a user to delete selected messages. In addition, a delete message may be displayed to the user to confirm this action)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the system of claim 1 as disclosed by Rajan, with requesting confirmation of user actions as disclosed by Rouse. One of ordinary skill in the art would have been motivated to combine to prevent a user from committing an action they did not intend. It is common for actions that have lasting effects to have some form of confirmation to prevent accidents.

52. **As to Claim 11,** Rajan-Rouse discloses the invention as claimed as described in claim 10**, the verification component fails user requests to perform an action with respect to a junk message until the user requests are verified by the users** (Paragraph [0062] of Rouse discloses enabling a user to delete selected messages. In addition, a delete message may be displayed to the user to confirm this action. It is inherent that when asking a user for confirmation of an action, the action would not take place until the user verifies the request)**.**

Examiner recites the same rationale to combine used in claim 10.

Conclusion

53. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN S. MAI whose telephone number is (571)270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KSM

/Philip C Lee/
Patent Examiner, Art Unit 2452